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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,917	01/17/2006	Mark T. Johnson	GB 030117	5325

24737 7590 11/23/2010
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
SITTA, GRANT	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/564,917	JOHNSON ET AL.	
	Examiner	Art Unit	
	GRANT D. SITTA	2629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Sumati Lefkowitz/
Supervisory Patent Examiner, Art Unit 2629

/Grant D Sitta/
Examiner, Art Unit 2629

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 11/1/2010 have been fully considered but they are not persuasive.
In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
While Friend does teach turning the pixel fully on and fully off, the amount of time the fully on and fully off pulse is applied is in direct correlation to the overall brightness. For example, the first sub-field in fig. 7 is also represented as the first sib-field in fig. 8. Also, the last subfield of fig. 7 is also represented in the last sub-field of fig. 8.
Aoki teaches the present invention is to provide a display device which prevents the moving picture from being unclear and blurred or disordered, at the same time, controls the lowering of brightness of the picture to achieve this object, there is provided a hold type display device of the present invention which time-divides a frame displaying one picture into multiple sub-frames, and brightness of the subsequent sub-frame is attenuated by the fixed ratio according to brightness of the inputted picture.

It would have been obvious to modify the driving means of Friend with the teachings of Aoki, for the same reasons as Applicant, to prevent motion blur from moving images. Examiner notes, inserting a darker images in between sub-fields is a well known solution to preventing motion blur, for example impulse data, black data, or insertion of lower luminance images. Examiner asserts it would have been well within the purview of one of ordinary skill to modify the primary invention to provide for the current claim limitations.
In response to Applicant's remarks the combination of Friend and Aoki would not teach "said at least first and second non-zero current over their respect sub-periods substantially yielding said overall brightness level." Examiner respectfully disagrees. Friend expressly teaches yielding said overall brightness figs. 7 and 8. Aoki teaches the second pulse being a ratio of the first. While Examiner agrees Aoki appears to calculate the second pulse different then the current Application these distinctions are not reflected in the claims. Aoki still yields the overall brightness level because the overall brightness for the pulses will intrinsically be whatever the overall brightness level ends up being. Furthermore, "substantially yielding" fails to distinctly help further distinguished the current claim language over the prior art, since 'substantially" fails to point to a particular value.
In response to Applicant's remarks with respect to Examiner's failure to consider alterations of the duty cycle for Friend and Aoki. Examiner respectfully disagrees. The claims are directed to first and second non-zero current. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). As currently claimed, a first and second non-zero pulse when operated examiner asserts the combined teachings of the references would have suggested to those of ordinary skill in the art to modify the duty cycle. Examiner notes, the case for obviousness would be harder to make if the claims recited only dividing the frame into a first and second non-zero pulses.
In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the voltage in the first sub period may be reduced to compensate for the application of a reduced voltage in the second sub period to provide for an overall brightness) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).